

## Exhibit D

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### City of New York and NY Counties

Michael Winget-Hernandez <michael@winget-hernandez.com>  
To: "Bueker, John P." <John.Bueker@ropesgray.com>  
Cc: Joanne Cicala <jcicala@kmllp.com>

Fri, Aug 21, 2009 at 5:40 PM

Dear John,

On behalf of the City of NY and NY Counties in MDL 1456, I write to confer with you about discovery from Schering for those Schering brand drugs which have been shown by Dr. Addanki to have AMP/AWP spreads in excess of 30% on an annual basis.

Please advise by close of business Tuesday, August 25, 2009 whether Schering will produce discovery responsive to Plaintiffs' First Requests for Production including, but not limited to, all chargeback and rebate data (in a form which is consistent with what you have already produced to us in the nature of transactional data) for the Drugs/NDCs listed below. The listed Drugs/NDCs were selected based on the AMP/AWP spreads Dr. Addanki calculated for the years 1997-2003 (presented in his August 6, 2009 Affidavit in Support of the Schering VAC settlement (Exhibit 3 - "Percentage Spreads Between AWP and AMP Accused Branded Products"). For the years 2004-2005, we refer to the AMP/AWP spreads presented in Dr. Addanki's February 21, 2008 Affidavit (Exhibit 3 - "Percentage 'Spreads' between AWP and AMP Branded Products Accused in New York Counties 1997-2005").

1. All forms of Celestone Soluspan bearing an NDC, the first nine digits of which are 000850566, for the years 2000, 2003, and 2004;
2. All forms of Clarinex bearing an NDC, the first nine digits of which are 000851280, for the year 2003;
3. All forms of Diprolene bearing an NDC, the first nine digits of which are 000850517, for the years 2003, 2004, and 2005;
4. All forms of Diprolene bearing an NDC, the first nine digits of which are 000850575, for the years 2003, 2004, and 2005;
5. All forms of Diprolene bearing an NDC, the first nine digits of which are 000850634, for the years 2002 and 2003;
6. All forms of Diprosone bearing an NDC, the first nine digits of which are 000850853, for the years 1998, 1999, and 2000;
7. All forms of Elocon bearing an NDC, the first nine digits of which are 000850370, for the years 2001, 2003, 2004, and 2005;
8. All forms of Elocon bearing an NDC, the first nine digits of which are 000850567, for the years 2001, 2002, 2003, 2004, and 2005;
9. All forms of Elocon bearing an NDC, the first nine digits of which are 000850854, for the years 2003 and 2004;
10. All forms of IMDUR bearing an NDC, the first nine digits of which are 000851153, for the years 2001, 2003, and 2005;
11. All forms of IMDUR bearing an NDC, the first nine digits of which are 000853306, for the years 2000 and 2001;
12. All forms of IMDUR bearing an NDC, the first nine digits of which are 000854110, for the years 2000, 2001, and 2002;
13. All forms of Intron A bearing an NDC, the first nine digits of which are 000850539, for the year 2004;
14. All forms of Intron A bearing an NDC, the first nine digits of which are 000851110, for the year 2004;
15. All forms of Intron A bearing an NDC, the first nine digits of which are 000851133, for the years

1998, 1999, and 2004;

16. All forms of Intron A bearing an NDC, the first nine digits of which are 000851168, for the year 2004;
17. All forms of Intron A bearing an NDC, the first nine digits of which are 000851179, for the year 2004;
18. All forms of Intron A bearing an NDC, the first nine digits of which are 000851235, for the year 2004;
19. All forms of Intron A bearing an NDC, the first nine digits of which are 000851254, for the years 2004;
20. All forms of K-Dur bearing an NDC, the first nine digits of which are 000850787, for the years 2003 and 2004;
21. All forms of Lotrimin bearing an NDC, the first nine digits of which are 000850613, for the years 1997, 1998, 1999, 2000, and 2001;
22. All forms of Lotrisone bearing an NDC, the first nine digits of which are 000850809, for the years 2001, 2002, 2004, and 2005;
23. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000850819, for the years 1998, 2002, 2003, 2004, and 2005;
24. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000853305, for the years 1997, 1998, 1999, 2001, 2002, 2003, 2004, and 2005;
25. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000853310, for the years 1998, 2001, 2002, 2003, 2004, and 2005;
26. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000853315, for the years 1998, 2001, 2002, 2003, 2004, and 2005;
27. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000853320, for the years 2001, 2002, 2003, 2004, and 2005;
28. All forms of Nitro-Dur bearing an NDC, the first nine digits of which are 000853330, for the years 1997, 1998, 1999, 2001, 2002, 2003, 2004, and 2005;
29. All forms of Normodyne bearing an NDC, the first nine digits of which are 000850244, for the year 2001;
30. All forms of Normodyne bearing an NDC, the first nine digits of which are 000850362, for the years 1997, 1998, 1999, 2000, 2001, and 2002;
31. All forms of Normodyne bearing an NDC, the first nine digits of which are 000850752, for the years 1997, 1998, 1999, and 2000;
32. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851279, for the years 2004 and 2005;
33. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851291, for the years 2004 and 2005;
34. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851297, for the years 2004 and 2005;
35. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851304, for the years 2004 and 2005;
36. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851316, for the years 2004 and 2005;
37. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851323, for the years 2004 and 2005;
38. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851368, for the years 2004 and 2005;
39. All forms of Peg-Intron bearing an NDC, the first nine digits of which are 000851370, for the years 2004 and 2005;
40. All forms of Proventil bearing an NDC, the first nine digits of which are 000850208, for the years 1997, 2001, and 2002;
41. All forms of Proventil bearing an NDC, the first nine digits of which are 000850209, for the years 1997 and 2001;
42. All forms of Proventil bearing an NDC, the first nine digits of which are 000850315, for the year

1997;

43. All forms of Proventil bearing an NDC, the first nine digits of which are 000850614, for the year 2005;
44. All forms of Proventil bearing an NDC, the first nine digits of which are 000851132, for the years 1997, 2001, and 2002;
45. All forms of Rebetol bearing an NDC, the first nine digits of which are 000851194, for the year 2003;
46. All forms of Rebetol bearing an NDC, the first nine digits of which are 000851327, for the year 2003;
47. All forms of Rebetol bearing an NDC, the first nine digits of which are 000851351, for the year 2003;
48. All forms of Rebetol bearing an NDC, the first nine digits of which are 000851385, for the year 2003;
49. All forms of Rebetron bearing an NDC, the first nine digits of which are 000851258, for the years 2001 and 2004;
50. All forms of Temodar bearing an NDC, the first nine digits of which are 000851244, for the years 2002 and 2004;
51. All forms of Temodar bearing an NDC, the first nine digits of which are 000851248, for the year 2002;
52. All forms of Temodar bearing an NDC, the first nine digits of which are 000851252, for the year 2004;
53. All forms of Temodar bearing an NDC, the first nine digits of which are 000851259, for the year; 2004
54. All forms of Theo-Dur bearing an NDC, the first nine digits of which are 000850487, for the years 1997 and 1998;
55. All forms of Theo-Dur bearing an NDC, the first nine digits of which are 000850584, for the years 1997, 1998, 1999, and 2000;
56. All forms of Theo-Dur bearing an NDC, the first nine digits of which are 000850806, for the year 1997;
57. All forms of Theo-Dur bearing an NDC, the first nine digits of which are 000850933, for the year 1997;
58. All forms of Trilafon bearing an NDC, the first nine digits of which are 000850012, for the years 2000 and 2001;
59. All forms of Vancenase bearing an NDC, the first nine digits of which are 000850649, for the year 2001; and
60. All forms of Vanceril bearing an NDC, the first nine digits of which are 000850736, for the year 2002.

Please tell me by the end of business on Tuesday August 25 whether we will have to file a motion in order to get responsive data as to these drugs and years.

Thanks,

Michael

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